

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN DUKES,

Plaintiff,

No. CIV S-09-1953 DAD P

vs.

WARFIELD, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not filed a request to proceed in forma pauperis or paid the filing fee.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

In this case, plaintiff complains about the conditions of his confinement at Salinas Valley State Prison which is located in Monterey County. Therefore, plaintiff’s claim should

1 have been filed in the United States District Court for the Northern District of California. In the
2 interest of justice, a federal court may transfer a complaint filed in the wrong district to the
3 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
4 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
6 United States District Court for the Northern District of California.

7 DATED: July 30, 2009.

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10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

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